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EXAMINER

CHRISTENSEN, SCOTT B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,862	Applicant(s) YING ET AL.	
	Examiner Scott Christensen	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed 3/23/2009.

Response to Arguments

2. Applicant's arguments filed 3/23/2009 have been fully considered but they are not persuasive.

3. On pages 7-8, Applicant argues the newly amended language, "wherein the location information is one or more of a geographic location and a logical location."

However, this fails to limit location information, as all location information would either be a "geographic" location or a "logical" location. In network communications involving more than two devices, an address of some sort is always needed in order to perform any communication, whether this address is based on geography, or is a logical location, such as that implemented in TCP/IP. This identifier allows one node to send the information to another node, and have the other node identify the information as pertaining to it.

Further, even if the location information in Oomen refers to a location of a device within a network or management tree, this still would constitute at least a "logical location" in as much detail as is required by the instant claims.

Applicant refers to logical location as being "In a meeting", "In transit", etc. Applicant should amend the instant claim to clearly require that the location takes this form, rather than simply utilizing the broad language "logical location."

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4. Applicant's remaining arguments appear to rely on the infallibility of Applicant's arguments with respect to claim 1, and are deemed not persuasive for similar reasons.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1, 2, 10-12** are rejected under 35 U.S.C. 102(e) as being anticipated by Oommen et al. (Oommen), US PG pub. No. 2003/0103484.

7. Regarding **Claim 1**, Oommen discloses a method comprising: receiving one of a Short Message Service, Enhanced Message Service, Multimedia Message Service, and SyncML message; extracting a device identifier from the message; and applying the device identifier to determine a device status (**see e.g. Page 6, ¶0062**) **Using a SyncML, unique device identity as well as the capabilities of the device and device information are ascertained**, including location information, (**see e.g. Page 3, ¶025, lines 15-18**) **the object identifier, indicating the location**, wherein the location information is one or more of a geographical location and a logical **location any location information, especially within a network, would be either a logical or geographic location. For instance, network addresses, such as that in TCP/IP and many other protocols are logical locations.**

8. Regarding **Claim 2**, Oommen discloses the method of claim 1, further comprising: extracting an International Mobile Equipment Identity from the message **(see e.g. Page 6, ¶0062) unique device identity as well as the capabilities of the device and device information are ascertained.**

9. Regarding **Claim 10**, Oommen discloses a network element comprising: logic to cause the processing of at least one of a Short Message Service, Enhanced Message Service, Multimedia Message Service, and SyncML message to extract a device identifier from the message, and to apply the device identifier to determine a device status, including location information, wherein the location information is one or more of a geographic location and a logical location; and at least one processor to execute at least some of the logic **(see e.g. Page 6, ¶0062) the SyncML DM server, which being a server contains at least a processor capable of processing a SyncML message, performs the device management tasks by ascertaining the device information, the unique device identity as well as the capabilities of the device, (see e.g. Page 3, ¶025, lines 15-18) the object identifier, indicating the location.**

10. Regarding **Claim 11**, Oommen discloses the network element of Claim 10, further comprising: logic to cause the setting of network access permissions for the device according to the device status **(see e.g. Page 6, ¶0062) the SyncML DM server, is capable of processing a SyncML message, performs the device**

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management tasks by ascertaining the device information, the unique device identity as well as the capabilities of the device.

11. Regarding **Claim 12**, Oommen discloses the network element of Claim 10, further comprising: logic to cause the extraction of an International Mobile Equipment Identity from the message **(see e.g. Page 6, ¶0062) the SyncML DM server, is capable of processing a SyncML message, performing the device management tasks by ascertaining the device information, the unique device identity as well as the capabilities of the device.**

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. **Claims 19-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Chen), US PG Pub. No. 2005/0153741 in view of Oommen.

14. Regarding **Claim 19** Chen discloses, a communication arrangement comprising: a Short Message Service Center (SMSC) (**Fig. 5, 517**) **SMSC**; a permissions facility (**Fig. 5, 523**) **Service Management Module**; and a network element configured to receive a Short Message Service message from a device via the SMSC (**Fig. 5, 519**) **SMSC GW**, apply the device identifier to locate device status information (**Fig. 7, 718 & ¶0057, lines 29-35**) **a server associating the received information with the device status**, and interact with the permissions facility to determine permissions to apply to service requests originating from the device (**Fig. 7, 716 & ¶0057, lines 25-28**) **a server associating the received information with service status**. However, Chen does not teach: extract a device identifier from the message, location information, wherein the location information is one or more of a geographic location and a logical location.

15. In the same field of endeavor, Oommen teaches, (**see e.g. Page 6, ¶0062**) **unique device identity as well as the capabilities of the device and device information is ascertained, (see e.g. Page 3, ¶025, lines 15-18) the object identifier, indicating the location**

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16. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device identity, capabilities and information with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**). Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (**see Chen, Page 1, ¶0008**).

17. Regarding **Claim 20**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. Chen further discloses: the network element further configured to extract a subscriber identifier from the message and apply the subscriber identifier to determine subscriber services. (**Fig, 7, 714, ¶0057**) **extracting the Subscriber Information from the message received message (IMSI), (Fig 6, ¶0047) subscriber registration and subscriber services are identified based on association of the IMSI and the service database IMEI is used to determine the status of the device in conjunction with the service database.**

18. Regarding **Claim 21**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. However Chen does not explicitly teach: the network element further configured to extract an International Mobile Equipment Identity from the message.

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19. In the same field of endeavor, Oommen teaches, **(see e.g. Page 6, ¶0062) unique device identity as well as the capabilities of the device and device information is ascertained.**

20. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device unique identity with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**. Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**.

21. Regarding **Claim 22**, Chen and Oommen as applied to claim 20 above substantially disclose the invention as claimed. However Chen does not explicitly teach: the network element further configured to extract at least one of International Mobile Equipment Identity and Integrated Circuit Card ID from the message.

22. In the same field of endeavor, Oommen teaches, **(see e.g. Page 6, ¶0062) unique device identity as well as the capabilities of the device and device information is ascertained.**

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23. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device unique identity with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**). Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (**see Chen, Page 1, ¶0008**).

24. Regarding **Claim 23**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. Chen further discloses: the network element comprising a deny database, the deny database comprising device status information (**Fig. 5, 525, ¶0057**) **the device status is determined based on its identification and the information in service database.**

Claim Rejections - 35 USC § 103

25. **Claims 3, 4, 7-9, 13, 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Chen.

26. Regarding **Claim 3**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: setting network access permissions according to the device status for a device corresponding to the device identifier.

27. In the same field of endeavor, Chen teaches, **(see e.g. Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the device identification.**

28. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of registering a mobile device according to the received information corresponding to the device identification with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

29. Regarding **Claim 4**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: applying the device identifier to a deny database to determine the device status.

30. In the same field of endeavor, Chen teaches, **(see e.g. Fig. 5, 525, ¶0057) the device status is determined based on its identification and the information in service database.**

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31. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of device status determination based on its identification information in the service database with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (**see Chen, Page 1, ¶0008**). Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**).

32. Regarding **Claim 7**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: extracting a subscriber identifier from the message; applying the subscriber identifier to identify subscriber services; and applying permissions for access to the subscriber services by the subscriber according to the device status.

33. In the same field of endeavor, Chen teaches, (**see e.g. Fig, 7, 714, ¶0057**) **extracting the Subscriber Information from the message received (see e.g. Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the Subscriber identification (IMSI) and device information (IMEI).**

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34. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of registering a mobile device according to the received Information corresponding to the extracted Subscriber Identification (IMSI) and (IMEI) with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (**see Chen, Page 1, ¶0008**). Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**).

35. Regarding **Claim 8**, Oommen and Chen as applied to claim 7 above substantially disclose the invention as claimed. Chen further discloses: extracting at least one of an International Mobile Subscriber Identity and an Integrated Circuit Card ID from the (**see e.g. Fig. 7, 714, ¶0057**) **extracting the Subscriber Information from the message received message (IMSI)**.

36. Regarding **Claim 9**, Oommen and Chen as applied to claim 7 above substantially disclose the invention as claimed. Chen further discloses: applying the subscriber identifier to locate subscriber information (**see e.g. Fig. 6, ¶0047**) **a server registering the mobile device according to the received information corresponding to the Subscriber identification (IMSI) and device information (IMEI)**.

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37. Regarding **Claim 13**, Oommen as applied to claim 10 above substantially disclose the invention as claimed. However Oommen does not disclose logic to cause the applying of the device identifier to a deny database to determine the device status

38. In the same field of endeavor, Chen teaches **(see e.g. Fig. 5, 525, ¶0057) the device status is determined based on its identification and the information in service database**

39. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of device status determination based on its identification information and the information in the service database with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

40. Regarding **Claim 16**, Oommen as applied to claim 10 above substantially disclose the invention as claimed. However Oommen does not discloses logic to cause the extracting of a subscriber identifier from the message, the applying of the subscriber identifier to identify subscriber services, and the applying of permissions to the subscriber services according to the device status.

41. In the same field of endeavor, Chen teaches **(see e.g. Fig. 7, 714, ¶0057) extracting the Subscriber Information from the message received, (see e.g. Fig 6, ¶0047) subscriber registration and subscriber services are identified based on association of the IMSI and the service database IMEI is used to determine the status of the device in conjunction with the service database.**

42. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of extraction of the Subscriber information and device information for the purpose of device status and subscriber service determination in association with the database with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

43. Regarding **Claim 17**, Oommen and Chen as applied to claim 16 above substantially disclose the invention as claimed. Chen further discloses: subscriber identifier is at least one of International Mobile Subscriber Identity and Integrated Circuit Card ID **(see e.g. Fig. 7, 714, ¶0057) extracting the Subscriber Information from the message received message (IMSI).**

44. Regarding **Claim 18**, Oommen and Chen as applied to claim 16 above substantially disclose the invention as claimed. Chen further discloses: logic to cause the applying of the device identifier to a deny database to determine the device status **(see e.g. Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the device information (IMEI) in association with the database.**

Claim Rejections - 35 USC § 103

45. **Claims 5, 6, 14, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Corrigan et al. (Corrigan), US PG Pub. No. 2002/0187775.

46. Regarding **Claim 5**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: receiving the message via a Short Message Peer to Peer interface.

47. In the same field of endeavor, Corrigan teaches, **(see e.g. Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service.**

48. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of reception of the SMS via the Short Message Peer to Peer interface with teachings of Oommen, for

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Optimal delivery of services over various bearers (**see Corrigan, Page 1, ¶0013**).

Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**).

49. Regarding **Claim 6**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: communicating the device status to a customer care facility.

50. In the same field of endeavor, Corrigan teaches, (**see e.g. Page 3, ¶0072**) **the portal provides customer care personnel access to provisioning database.**

51. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of the portal providing customer care personnel with access to provisioning database with teachings of Oommen, for Optimal delivery of services over various bearers (**see Corrigan, Page 1, ¶0013**). Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**).

52. Regarding **Claim 14**, Oommen and Corrigan as applied to claim 10 above substantially disclose the invention as claimed. Corrigan further discloses logic to cause the receiving of the message via a Short Message Peer to Peer interface (**see e.g.**

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Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service.

53. Regarding **Claim 15**, Oommen and Corrigan as applied to claim 10 above substantially disclose the invention as claimed. Corrigan further discloses logic to cause the communicating of device status to a customer care facility (**see e.g. Page 3, ¶0072**) **the portal provides customer care personnel access to provisioning database.**

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444